

23. The method of claim 20, wherein the egg yolk is delipidated using ethanol in an amount of 400-5000 parts by weight per 100 parts by weight of raw material egg yolk.

### **REMARKS**

This is in response to the Office Action that was mailed on February 14, 2001. Claim 13 corresponds to original claim 2. Claims 14-16 correspond to claims 3-5, respectively. Claims 17 and 18 correspond to claims 11 and 12, respectively. Claim 19 corresponds to original claim 8. Claims 20-23 correspond to claims 6, 7, 9, and 10, respectively. No new matter has been introduced. Claims 13-23 are in the case.

Inasmuch as the present claims have been limited to the scope of the compositions of original claim 2, the rejections of claims 1 and 5 as being anticipated by Mitsuya and of claims 1, 4, 5, 8, and 11 as being anticipated by Levin have been obviated.

Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Mitsuya in view of Ueda and Yano. Claim 3 was rejected as being unpatentable over Mitsuya in view of Ueda. Claims 6, 7, 9, 10, and 12 were rejected as being unpatentable over Mitsuya in view of Yano and Broderick. All of these rejections are respectfully traversed.

Mitsuya provides a general disclosure of preparing a delipidated egg yolk powder by means of spray-drying in the paragraph [0006], although this is not supported by examples. A partial translation of the Mitsuya reference is

enclosed herewith. However, as to the mixing with a fat or oil such as fish oil,

Mitsuya teaches:

2 ... the mixing as referred to herein may be simply a step of homogeneous stirring with Super-Mixer or the like, without necessitating dispersing with water or the like or spray-drying.

Therefore Mitsuya is completely silent as to the method of stirring into a homogeneous mixture under reduced pressure as taught by the present invention.

This stirring in feature is a crucial distinction over Mitsuya. Properties such as flowability and flavor of the resulting powder composition are completely different in accordance with the different mixing procedures employed in the preparation of the powder. This is clearly established by the Declaration under 37 CFR 1.132 of Senji SAKANAKA enclosed herewith.

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The ancillary references fail to make up the deficiencies of the primary reference. In particular, it is noted that while Ueda discloses a spray-dried egg yolk powder, he fails to disclose spray-dried, delipidated egg yolk particles. A priori, Ueda does not disclose delipidated egg yolk particles having pores. While Yano discloses a spray-drying process, his spray-drying is carried out before the delipidation process. In contrast, the egg yolk is first delipidated and only then spray-dried in the present invention. Neither do the Yano and Broderick references, even when combined with Mitsuya, render the process of the present invention obvious.

### Conclusion

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

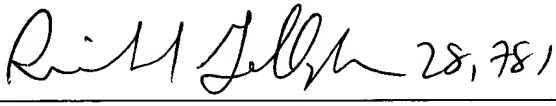
In the event there are any matters remaining in this application, the Examiner is invited to contact Mr. Richard J. Gallagher, Registration No. 28,781 at (703) 205-8000 in the Washington, D.C. area.


Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Enclosures: Partial English Translation (JP 9-9878)  
Sakanaka Declaration